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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY, Plaintiff, v. UNITED STATES FISH AND WILDLIFE SERVICE and DIRK KEMPTHORNE, Secretary of the Interior, Defendants.	Case No. 3:07-cv-02379-W-NLS **PROOF OF SERVICE OF SUMMONS AND COMPLAINT AND OTHER DOCUMENTS**

A copy of the executed Summons addressed to both Defendants is attached hereto as Exhibit A, and a copy of the Complaint in this matter were served pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, by sending a copy of the Summons and Complaint via registered mail, return receipt requested, on December 19, 2007, to the following:

Dirk Kempthorne, Secretary of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dale Hall, Director
United States Fish and Wildlife Service
1849 C Street N.W., Room 3012
Washington, D.C. 20240-0001

U. S. Attorney General Michael B. Mukasey
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Civil Process Clerk
United States Attorney
Southern District of California
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101-8893

The documents were received on January 2, 2008, January 2, 2008, December 26, 2007, and December 26, 2007, respectively. Along with the Summons and Complaint in this matter, copies of the following documents were served on each of the Defendants and the U.S. Attorney as listed above:

1. Civil Cover Sheet filed December 19, 2007;
2. Notice of Party with Financial Interest filed December 19, 2007;
3. Chambers Rules, The Honorable Thomas J. Whelan.

Respectfully submitted,

DATED: January 17, 2008

/s/Lisa T. Belenky
Lisa T. Belenky (CA Bar No. 203225)
Justin Augustine (CA Bar No. 235561)
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Attorneys for Plaintiff

Exhibit A

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,

vs

UNITED STATES FISH AND WILDLIFE SERVICE and DIRK KEMPTHORNE, Secretary of the Interior,

SUMMONS IN A CIVIL ACTION

Case No.

'07 CV 2379 W NLS

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Lisa T. Belenky (CA Bar No. 203225), CENTER FOR BIOLOGICAL DIVERSITY
1095 Market St., Suite 511
San Francisco, CA 94103

An answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.
CLERK

DEC 1 9 2007
DATE

By , Deputy Clerk

RETURN OF SERVICE	
Service of the Summons and Complaint was made by me	DATE 12-19-2007
NAME OF SERVER Lisa T. Belenky	TITLE Staff Attorney
Check one box below to indicate appropriate method of service	

Served personally upon the defendant. Place where served: ____________

Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:

Name of person with whom the summons and complaint were left: ____________

Return unexecuted:

Other (specify): on both Defendants pursuant to FRCP 4(i).

STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL $0.00	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Executed on: December 19, 2007   [signature: Lisa T. Belenky]

Date   Signature of Server

CBD, 1095 Market St, Suite 511, San Francisco, CA 94103

Address of Server

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure